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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 NATIONAL WILDLIFE FEDERATION,)
10)
11 Plaintiff,) No. 2:11-cv-02044-RSM
12)
13 v.) ORDER GRANTING PROPERTY
14) OWNERS FOR SENSIBLE
15 FEDERAL EMERGENCY) FLOODPLAIN REGULATION'S
16 MANAGEMENT AGENCY,) MOTION FOR LEAVE TO FILE *AMICUS*
17 Defendant.) *CURIAE* BRIEF
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18 This matter comes before the Court on Property Owners for Sensible Floodplain
19 Regulation's ("POSFR") unopposed Motion for Leave to File *Amicus Curiae* Brief in Support
20 of Defendant. *See* Dkt. No. 15. "District courts frequently welcome amicus briefs from non-
21 parties concerning legal issues that have potential ramifications beyond the parties directly
22 involved or if the amicus has unique information or perspective that can help the court beyond
23 the help that the lawyers for the parties are able to provide." *NGV Gaming, Ltd. v. Upstream*
24 *Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005) (internal citation omitted).
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ORDER GRANTING POSFR'S MOTION

FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF - 1

1 “The privilege of being heard amicus rests in the discretion of the court which may grant or
2 refuse leave according as it deems the proffered information timely, useful, or otherwise.”

3 *Community Ass'n for Restoration of Environment (CARE) v. DeRuyter Bros. Dairy*, 54
4 F.Supp.2d 974, 975 (E.D. Wash. 1999) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th
5 Cir.1982)).

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7 Here, Plaintiff challenges the Federal Emergency Management Agency's
8 implementation of the National Flood Insurance Program due to alleged deficiencies in
9 compliance with the Endangered Species Act. Plaintiff has asked the Court to enjoin FEMA
10 from issuing additional floodplain insurance for new development in certain areas of the Puget
11 Sound region and from implementing certain floodplain map changes. POSFR is a
12 Washington non-profit corporation formed by property owners and industry groups concerned
13 about the regulation of floodplain areas in the Puget Sound region. As such, it may be able to
14 address “legal issues that have potential ramification beyond the parties directly involves.”
15 *NGV Gaming*, 355 F.Supp.2d at 1067. In addition, POSFR contends that its amicus brief will
16 help the court understand the “context and local background underlying the current action.”
17 Dkt. No .15, p. 3.

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19 The Court finds POSFR's proffered information will be timely and useful. Therefore,
20 the Court, having reviewed POSFR's motion, and finding that granting POSFR's Motion is
21 warranted, hereby GRANTS POSFR's Motion for Leave to File *Amicus Curiae* Brief. The
22 Clerk is directed to forward a copy of this order to all counsel of record.

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26 ORDER GRANTING POSFR'S MOTION

FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF - 2

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2 Dated this 9th day of February 2012.

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5 RICARDO S. MARTINEZ
6 UNITED STATES DISTRICT JUDGE
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ORDER GRANTING POSFR'S MOTION

FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF - 3